

10285 1/4/2008 08150

CERTIFIED COPY



07-2-12633-9 28925111 OCLR 01-04-08

IN COUNTY CLERK'S OFFICE

A.M. JAN 04 2008 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

Judge D. Gary Steiner
Department 10

**STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT**

DOUGLAS TOBIN,

NO. 07-2-12633-9

Plaintiff,

DECLARATION OF
WILLIAM JARMON JR.

STATE OF WASHINGTON and
PIERCE COUNTY,

Defendants.

I, WILLIAM JARMON JR., make the following declaration under penalty of perjury:

1. My name is William Jarmon Jr. At relevant times my business address was 600 Capitol Way North, Olympia, Washington 98501. I am over the age of 18 and am competent to be a witness in this matter. I make this declaration based upon my own knowledge and belief.

2. During the period 2001 - 2004 I was employed as a detective in the Enforcement Program of the Washington State Department of Fish and Wildlife. During this period of time I was the lead detective involved in the investigation and prosecution of the plaintiff Douglas Tobin for suspected felony level theft and illegal commercialization of

DECLARATION OF
WILLIAM JARMON

ORIGINAL

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

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1 geoduck and other shellfish belonging to the State of Washington. After a lengthy
2 investigation of suspected poaching activities on the part of Douglas Tobin, a warrant was
3 issued for his arrest in March of 2002 along with a warrant to seize property that was relevant
4 to his prosecution or represented the fruits of criminal activity. Items seized included several
5 vessels, including the vessel Typhoon, bank accounts and records, equipment related to the
6 vessels seized, several motor vehicles, navigational equipment, diving gear and other assorted
7 items kept on the vessels seized or other items related to the alleged criminal conspiracy
8 which was subject to prosecution by the Pierce County Prosecutor's Office in Pierce County
9 Cause Numbers 02-1-0236-3, 02-1-05810-0 and 01-1-0499-4. A notice of forfeiture was filed
10 in regard to all items seized by the Pierce County Prosecuting Attorney following Mr. Tobin's
11 arrest. As part of a plea bargain agreement entered by Douglas Tobin in which he agreed to
12 plead guilty to several counts of first degree theft and being a convicted felon in possession of
13 a firearm, he agreed that all property seized would be forfeited and would be retained by the
14 State of Washington.

15 On December 10, 2003, representatives of the Pierce County Prosecuting Attorney and
16 Douglas Tobin entered into a Stipulation on Forfeiture of Property which provided that certain
17 items of personal property found on the Typhoon having minimal value, cash, one vehicle and
18 two bank accounts would be returned to Douglas Tobin or his representative. By the express
19 terms of the Stipulation, all other property seized would remain the property of the State of
20 Washington Department of Fish and Wildlife Statewide Enforcement Program. A copy of
21 this Stipulation on Forfeiture of Property is attached hereto as Exhibit A.

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DECLARATION OF
WILLIAM JARMON

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1 3. On January 16, 2004, I and Detective Charles Pudwill, another Fish and
2 Wildlife Enforcement Officer, met Stacey Tobin, daughter of Douglas Tobin, at a gas station
3 located at the intersection of Union and Plum Streets in Olympia, Washington. The purpose
4 of this meeting was to transfer certain items of personal property that had belonged to her
5 father Douglas Tobin which had been seized on the vessel "Typhoon" at the time of Douglas
6 Tobin's arrest in March of 2002. Stacey Tobin was designated by Douglas Tobin, who was
7 then incarcerated, as his representative to receive personal property being returned to him
8 pursuant to the Stipulation on Forfeiture of Property filed in Pierce County Cause No. 02-1-
9 05810-0 dated December 10, 2003.

11 4. On this date Detective Pudwill and I transferred various items of personal
12 property to Ms. Tobin that were being delivered to her as her father's representative. The
13 items of personal property included sleeping bags, bedding, pillows, clothing, utensils, eagle
14 feathers, a beaded bag, video tapes and other items of miscellaneous personal property. These
15 items coincided with property described on the Stipulation as "[p]ersonal property found on
16 the boat Typhoon to include medicine bag, clothes, etc." Stacey Tobin signed a receipt on
17 January 16, 2004, at this meeting acknowledging that she received these items on her father's
18 behalf. I personally witnessed her receive these items and sign the receipt which is attached
19 hereto as Exhibit B. My signature appears on this document as does Detective Pudwill's
20 signature. These items coincide with the first twenty four items listed on plaintiff Douglas
21 Tobin's "Personal Inventory Seized by the State of Washington" which plaintiff filed in
22 support of his tort claim filed against the State of Washington. A copy of this inventory is
23 attached hereto as Exhibit C. The remaining items on this inventory (items twenty five
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1 through the end of the list (the GPS plotter, marine log sheets, personal papers, cellular phone,
 2 maritime charts, vessel registrations, diving logs, video camera, night vision scope and
 3 binoculars) were retained as evidence related to the prosecution and were not covered by the
 4 Stipulation dated December 10, 2003. Likewise, the boat equipment, diving gear, tools and
 5 generators were retained because they were either attached to the boat (generators and boating
 6 equipment), were otherwise associated with the vessel that was forfeited or were associated
 7 with the crimes committed and were retained as evidence and forfeited. These items were not
 8 items designated to be returned to Mr. Tobin pursuant to the Stipulation dated December 10,
 9 2003.

11 I declare under penalty of perjury under the laws of the State of Washington, that the
 12 above declaration is true and correct to the best of my knowledge:
 13

14 DATED this 29th day of November, 2007, at TACOMA, Washington.

15
 16 
 17 WILLIAM JARMON JR.

20 STATE OF WASHINGTON, County of Pierce
 21 ss: I, Kevin Stock, Clerk of the above
 22 entitled Court, do hereby certify that this
 23 foregoing instrument is a true and correct
 24 copy of the original now on file in my office.
 IN WITNESS WHEREOF, I hereunto set my
 hand and the Seal of said County this
 day of November, 2007.

By Kevin Stock Deputy

25
 26 DECLARATION OF
 WILLIAM JARMON

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ATTORNEY GENERAL OF WASHINGTON
 Torts Division
 7141 Cleanwater Drive SW
 PO Box 40126
 Olympia, WA 98504-0126
 (360) 586-6300

10205 1/4/2008 98154

PROOF OF SERVICE

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

US Mail Postage Prepaid via Consolidated Mail Service

ABC/Legal Messenger

State Campus Delivery

Hand delivered by _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3rd day of January, 2008 at Tumwater, WA.

Laurel B. DeForest
LAUREL B. DeFOREST

10205 1/4/2008 00155

EXHIBIT A

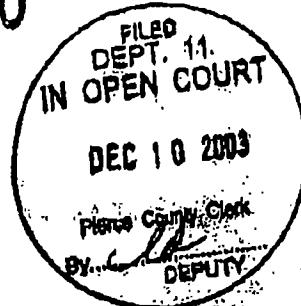
01/12/2004 16:21 FAX 253 788 7309

PIERCE COUNTY PROS ATTY

10205 1/4/2008 00156

28826 12/12/2002 88827

ORIGINAL

POOR QUALITY
TAN

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff, CAUSE NO. 02-1-05810-0

vs.
DOUGLAS JOHN MARTIN TOBIN,

Defendant, STIPULATION ON FORFEITURE OF PROPERTY

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Allen Rossler enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 18th, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22nd, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

One pair of binoculars ~~1/11/12~~

1/17/02 \$850.00 seized from the defendant's person

The State's lien on a 1969 Chevrolet Nova, license CV3982

The State's hold on two bank accounts located at Bank of America, Pigeon Washington, #16492605 and #70458401

Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.

The rest of the property seized by the State will become the property of the State of Washington. Department of Fish and Wildlife, Statewide Enforcement Program will include all property listed in the (Attached) Notice of Intent to Forfeit, except that listed above and any other property seized listed or not, to include electronics on the boat seized, commercial fishing nets and weapons.

getcaption.doc

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 946
Tacoma, Washington 98404-3171
Mail Office (253) 794-7400

EXHIBIT A

FW-0000004

10205 1/4/2008 08157

28836 12/11/2003 08528

1 Tom L. Moore, DPA #17542
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7 Allen Russler, Attorney for Defendant
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Douglas John Martin Tobin

COURT ORDER

The Court being fully advised in this matter and having reviewed the Stipulation
of the Parties.

NOW HEREFOR

ORDERS that the property listed above shall be forfeited to the State of Washington,
Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by
Stipulation is to be returned to the defendant.

DONE IN OPEN COURT this 10 day of December, 2003

Judge John A. McCarthy

genccpdc0001

Office of the Prosecuting Attorney
930 Tacoma Avenue South, Room 916
Seattle, Washington 98102-2111
Main Office: (206) 786-7400

FW-0000005

18205 1/4/2008 88158

EXHIBIT B

4/10-112

10285 1/4/2008 00159

PROPERTY INVENTORY

CITATION/CASE #	PROPERTY DESCRIPTION (Include Serial #)	NAME: TOBIN, DOUG	LOCATION HELD	DISPOSITION
	(2) Turq. Blue Sleep Bags			
	(2) Blu/Blk Coleman Sleep Bags			
	(2) Red/Wht/Blu P. Pillows			
	(1) Bedspread type quilt / Flowers			
	(1) Dark Red/Blu Quilt			
	(1) Green Blanket			
	(2) Tribal design quilts			
	(17) Throw pillows Seven(7)			
	(2) Bed type pillows			
	(1) Share Kit			
	(1) Columbia Boots			
	(3) Coats			
	(2) Pants			
	(5) Shirts			
	(10) Hats			
	(1) Colt Brown Shoes			
	(1) Coffee Maker (1) Teapot			
	(1) Box - Misc Kitchen/food consumables			
	(2) Bib Overalls			
	(1) Outback type jacket			

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED:

DATE: 1/16/04

CHAIN OF CUSTODY

XW R. Garrison Jr. #55
X C.R. #54

01/02

DISTRIBUTION OF COPIES: WHITE = Storage Location

YELLOW = Captain

PINK = Headquarters

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

EXHIBIT B

Page _____ of _____ Pages

10205 1/4/2008 00168

PROPERTY INVENTORY (CONTINUATION SHEET)

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED:

DATE: 11/10/09

CHAIN OF CUSTODY

~~X W A Sammons Jr #55~~
~~X Carl Sandell #54~~

02 of 02

DISTRIBUTION OF COPIES: **WHITE** = Storage Location

YELLOW = Captain

PINK = Headquarters

If Item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

Page _____ of _____ Pages

10205 1/4/2008 80161

EXHIBIT C

10205 1/4/2008 88162

PERSONAL INVENTORY SEIZED BY THE STATE OF WASHINGTON
FROM DOUGLAS JOHN MARTIN TOBIN.

INVENTORY LIST OF ITEMS SEIZED BY STATE OF WASHINGTON
AND NOT RETURNED PURSUANT COURT ORDER.

ITEM	VALUE OF ITEM
2 each. Turg Blue Sleeping Bags.	900.00
2 each. Blu/Blk Coleman Sleeping Bages.	300.00
2 each. Red/White pillows.	200.00
1 each. Quilted Bed Spread	400.00
1 each. Dark red/blue quilt.	400.00
1 each. Green blanket.	60.00
2 each. Tribal Quilts.	600.00
7 each. Pillows miscellaneous.	210.00
2 each. Bedroom pillows.	180.00
1 each. Shave Kit.	300.00
1 pair. Columbia Boots.	80.00
3 each. Coats.	600.00
2 pairs. Pants.	120.00
5 each. Shirts	150.00
10 each. Hats miscellaneous.	150.00
1 each. Colt Brown Shoes.	400.00
1 each. Coffee Maker/tea pot.	100.00
2 each. Bib Coveralls.	340.00
1 each. Outback Jacket.	300.00
2 each. Eagle Feathers. (blessed by elders priceless)	100,000.00
1 each. Medicine Bag. (gift from elders priceless)	100,000.00
100 each. Movies VHS/DISC	1,200.00
1 each. Glass case.	1,700.00
1 each. Bird Guide Book.	140.00
1 each. Garman GPS map 220 Plotter.	1,500.00
1 set. Marine Log Sheet (can't be replaced) needs to be re-created or found for Maritime Law, and Maritime use.	100,000.00

EXHIBIT C

10205 1/4/2008 00163

Miscellaneous Personal Papers, need to be Found and Returned.

1 each. Celluar Phone.	500.00
7 each. Maritime Charts.	1.500.00
1 each. Vessel Registrations.	10.000.00
Several. Dive Logs needs to be replaced.	50.000.00
1 each. Video Camera.	800.00
1 each. Night Vision Scope.	1.500.00
1 each. Binoculars.	3000.00

NOT LISTED ON ANY SEIZURES.

BOAT EQUIPMENT.

Shackles, Deck Snaps, and Hardware. All Stainless Steel.	4000.00
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DIVE GEAR.

2. Suites, Air tanks, Weight Belts, Communications Computer, Air Pumps, Hosing, Manifolds, Com System, lines, and assessors.	100.000.00
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TOOLS.

Welder, Grinders, Cutting Torch, Wrenches, Vice, and assorted other tools.	9000.00
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2 each. Generators.	3500.00
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For a total of \$491.400.00

Douglas Tobin, also request that Interest on said items be issued since to Order of Return of Property on December 10, 2003, at the going Rate of 12% as the State would collect if it was Owed to the State.